

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATACHIANNA JAMES,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE, *et al.*,

Defendants.

Case No. 2:24-cv-00880-DAD-JDP (PS)

**ORDER**

VACATING THE JUNE 13, 2024 HEARING

**FINDINGS AND RECOMMENDATIONS**

THAT THIS ACTION BE DISMISSED FOR LACK OF PROSECUTION, FAILURE TO COMPLY WITH COURT ORDERS, AND FAILURE TO COMPLY WITH LOCAL RULES

OBJECTIONS DUE WITHIN FOURTEEN DAYS

Defendant U.S. Postal Service filed a motion to dismiss, which is currently set for hearing on June 13, 2024. ECF Nos. 5 & 11. After plaintiff failed to timely respond to that motion, I continued the hearing on defendant's motion and ordered plaintiff to show cause why sanctions should not be imposed for her failure to comply with the court's local rules. ECF No. 9. I also ordered plaintiff file an opposition or statement of non-opposition to defendant's motion by no later than May 16, 2024. *Id.* I warned plaintiff that failure to comply with that order could result in a recommendation that this action be dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with local rules. *Id.*

1 The deadline has passed, and plaintiff has neither filed an opposition to defendant's  
2 motion nor otherwise responded to the April 30, 2024 order.

3 Accordingly, it is hereby ORDERED that the June 13, 2024 hearing on defendant's  
4 motion to dismiss is vacated.

5 Further, it is RECOMMENDED that:

6 1. This action be dismissed for failure to prosecute, failure to comply with the court's  
7 local rules, and failure to comply with court orders.

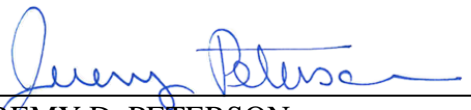
8 2. Defendant's motion to dismiss, ECF No. 5, be denied as moot.

9 3. The Clerk of Court be directed to close the case.

10 These findings and recommendations are submitted to the United States District Judge  
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
12 after being served with these findings and recommendations, any party may file written  
13 objections with the court and serve a copy on all parties. Such a document should be captioned  
14 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
15 objections shall be served and filed within fourteen days after service of the objections. The  
16 parties are advised that failure to file objections within the specified time may waive the right to  
17 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
18 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

19  
20 IT IS SO ORDERED.

21 Dated: May 28, 2024

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23 JEREMY D. PETERSON  
24 UNITED STATES MAGISTRATE JUDGE  
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